

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States of America,

Appellee,

v.

No. 23-5062

Peter K. Navarro,

Appellant.

**CONSENT MOTION FOR 30-DAY EXTENSION OF TIME TO FILE
APPELLEE BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and D.C. Circuit Rule 28(e), the United States of America respectfully moves for a 30-day extension of time, to and including Friday, January 5, 2024, in which to file its Appellee Brief. Appellant consents to this motion.

1. Under this Court's order of May 24, 2023, the Appellant's opening brief was originally due on July 7, 2023. After several unopposed extensions, Appellant's opening brief was filed on November 6, 2023.

Under the current briefing schedule, the government's Appellee brief is due by December 6, 2023. The government respectfully requests that this deadline be extended by thirty days, to and including January 5, 2024. The government has not previously requested an extension of this deadline.

2. The requested 30-day extension of time is necessary to allow sufficient time to prepare a response brief in light of the Thanksgiving and end-of-the-year holidays, as well as other pressing appellate matters for which government counsel is responsible.

The attorney with primary responsibility for this matter is Jennifer Utrecht of the U.S. Department of Justice, Civil Division, Appellate Staff. In addition to preparing the government's response brief in this case, Ms. Utrecht is responsible for several other matters that have required her immediate attention, including presenting oral argument in the expedited matter of *Career Colleges and Schools of Texas v. United States Department of Education, et al.*, No. 23-50491 (5th Cir.) (oral argument held on November 6, 2023), preparing the government's brief in *People for the Ethical Treatment of Animals v. Tabak*, No. 23-5110 (D.C. Cir.) (brief filed, as extended, on Nov.

9, 2023) and *Restaurant Law Center v. United States Department of Labor*, No. 23-50562 (5th Cir.) (brief due, as extended, on Dec. 27, 2023), as well as other matters with pressing internal deadlines. In addition, Ms. Utrecht will be out of the office on previously scheduled leave from December 28, 2023 until January 3, 2024.

3. Counsel for the Appellant has informed us that they consent to this requested thirty-day extension.

Respectfully submitted,

GERARD SINZDAK

/s/ Jennifer L. Utrecht
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NOVEMBER 2023

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2023, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I further certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. 27(d)(2) because it contains 336 words, according to the count of Microsoft Word.

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht